

HOUSE BILL NO. 188

INTRODUCED BY K. DUDIK

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE STATUTE OF LIMITATIONS IN CIVIL ACTIONS INVOLVING INJURIES SUFFERED AS A RESULT OF CHILDHOOD SEXUAL ABUSE; REVISING THE DEFINITION OF "CHILDHOOD SEXUAL ABUSE" TO INCLUDE ADDITIONAL SEX OFFENSES; AMENDING SECTION 27-2-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-2-216, MCA, is amended to read:

"27-2-216. Tort actions -- childhood sexual abuse. (1) An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of childhood sexual abuse must be commenced not later than:

(a) ~~3 years after the act of childhood sexual abuse that is alleged to have caused the injury~~ 20 years after the plaintiff reaches 18 years of age; or

(b) 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse.

(2) It is not necessary for a plaintiff to establish which act, in a series of acts of childhood sexual abuse, caused the injury that is the subject of the suit. ~~The plaintiff may compute the period referred to in subsection (1)(a) from the date of the last act by the same perpetrator.~~

(3) As used in this section, "childhood sexual abuse" means any act committed against a plaintiff who was less than 18 years of age at the time the act occurred and that would have been a violation of 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-602, 45-5-603, 45-5-625, 45-5-704, 45-5-705, or prior similar laws in effect at the time the act occurred.

(4) The provisions of 27-2-401 apply to this section."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

1 NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies to all causes of action
2 commenced on or after [the effective date of this act], regardless of when the cause of action arose. To this
3 extent, [this act] applies retroactively within the meaning of 1-2-109.

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